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December 15, 2017

Via ECF

The Honorable Louis L. Stanton
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *Fera Pharmaceuticals, LLC v. Akorn, Inc., et al.*, No. 12-cv-07694-LLS

Dear Judge Stanton:

On behalf of Akorn, Inc., we write in response to Perrigo's December 7, 2017 letter. Notwithstanding that the parties are still fully ensconced in expert discovery, Perrigo asks the Court to take out of order one issue it wants to raise with respect to Akorn's expert witness, Dr. Richard Bergin, who has opined on antitrust and damages issues in this case. As a matter of general principle, it makes no sense to address *Daubert* issues serially. Moreover, Akorn has yet to take the depositions of more than half of the five expert witnesses that Perrigo has proffered in response to Akorn's counterclaim, whose opinions intersect with the issues raised in Perrigo's letter. Thus, it is premature and prejudicial for Akorn to address the substance of Perrigo's (baseless) criticisms of Dr. Bergin now. Instead, we respectfully suggest setting a briefing schedule for all *Daubert* motions, which will provide the Court with the benefit of considering all of the expert issues at the same time.

Respectfully submitted,

/s/ John P. Del Monaco

John P. Del Monaco